

BEFORE THE NEBRASKA PUBLIC SERVICE COMMISSION

In the Matter of the Commission,) Application No. PI-73/
on its own motion, seeking to) 911-004
investigate enhanced 911)
surcharges collected by wireless) ORDER OPENING DOCKET
carriers.)
) Entered: September 3, 2003

BY THE COMMISSION:

1. The Commission is responsible for administration of the Wireless Enhanced 911 Fund, pursuant to the Enhanced Wireless 911 Services Act (Act).¹ A surcharge of fifty (50) cents per month per access line is required to be collected from customers of wireless carriers, and is used to pay for equipment and services necessary for implementing and providing enhanced wireless 911.
2. The Commission is aware that some wireless providers are imposing additional, separate surcharges and fees for wireless enhanced 911, as well as number pooling and number portability. These charges may be identified on a customer's bill as a "Regulatory Programs Fee" or similar label, and are up to \$1.75 per month in some cases. Such charges are not mandated by state or federal government, and no government agency audits these charges as to accuracy.
3. The Commission recognizes the ability of wireless carriers to impose such charges; however, the Commission is concerned about potential negative impact on customers. Customers may be paying twice for wireless enhanced 911: once under the statutorily required surcharge, and a second time when a carrier chooses to impose another fee, purportedly for the same purpose. Additionally, the Commission is concerned that wireless carriers may be able to recover wireless enhanced 911 costs from their customers on the one hand, and then seek costs from the Enhanced Wireless 911 Fund as well.

O P I N I O N A N D F I N D I N G S

4. The Enhanced Wireless 911 Services Act provides that "[t]he Commission shall have any powers necessary to carry out the intent and purposes of the Act." The Act further provides that "[t]he Commission shall determine

¹ See Neb. Rev. Stat. §§ 86-442 to 86-469 (2002 Cum. Supp.).

the most efficient method for providing enhanced wireless 911 service."²

5. The Commission finds that it should open a public investigation to explore the following issues:
 - a. Should the State provide cost recovery to a wireless carrier if it is already seeking cost recovery directly from its customers?
 - b. Should the Commission adopt a policy that wireless carriers collecting surcharges for E911 services must first account to the Commission before being approved for money from the Enhanced Wireless 911 Fund?

Interested parties may file comments in this matter on or before October 3, 2003, by submitting three paper copies and an electronic copy in Microsoft Word.

O R D E R

IT IS THEREFORE ORDERED by the Nebraska Public Service Commission that a public investigation is hereby opened as captioned above.

IT IS FURTHER ORDERED that interested parties may file comments in this matter on or before October 3, 2003, by submitting three paper copies and an electronic copy in Microsoft Word.

MADE AND ENTERED at Lincoln, Nebraska, this 3rd day of September, 2003.

NEBRASKA PUBLIC SERVICE COMMISSION

COMMISSIONERS CONCURRING:

Chair

ATTEST:

Executive Director

² Neb. Rev. Stat. § 86-463 (2002 Cum. Supp.).